



PARKS AND RECREATION COMMISSION AGENDA REPORT

MEETING DATE: OCTOBER 23, 2014

ITEM NUMBER:

SUBJECT: TREE REMOVAL REQUEST - 115 BROADWAY

DATE: OCTOBER 15, 2013

FROM: PUBLIC SERVICES DEPARTMENT, MAINTENANCE SERVICES DIVISION

PRESENTATION BY: BRUCE A. HARTLEY, MAINTENANCE SERVICES MANAGER

FOR FURTHER INFORMATION CONTACT: BRUCE A. HARTLEY (714) 754-5123

RECOMMENDATION

Deny the request for the removal of one City-owned parkway tree located in the public right-of-way at 115 Broadway.

BACKGROUND

The Maintenance Services Division was originally contacted by the Applicant on August 30, 2012, requesting that the City trim the street tree located in front of the Applicant's business, located at 115 Broadway. The Applicant, a tenant in the building owned by others, stated that the tree blocked the sign on the front of the building making it difficult for patrons to locate the business. The City Arborist reviewed the site conditions at that time and did not recommend any action be taken. The Applicant submitted a request to have the tree removed on April 3, 2013. The request was agendaized and heard at the Parks and Recreation Commission meeting held on May 23, 2013. At that time, the Commission approved to implement Alternative #2, which was to have the tree trimmed annually by the City's tree maintenance contractor at a cost to the Applicant of \$58.00 per year. At that time, the Commission Chairman informed the Applicant that the request could be brought back to the Commission for re-consideration, if the tree continued to pose concerns for the business.

Following that meeting, the City had the tree trimmed. The trimming provided minimal and only temporary relief from the problem of obstructing the view of the business sign, according to the Applicant. Within just a few months the sign was significantly obscured by the tree's new growth according to the Applicant. On October 1, 2013, the Applicant contacted the division to request the Commission re-consider removal of the tree. The request was agendaized for the regular meeting of October 23, 2013. The Applicant was unable to attend due to a medical emergency that occurred the day of the meeting. The Commission denied the removal request.

ANALYSIS

The City Arborist evaluated the tree, an Evergreen Pear, *Pyrus kawakamii*, and found it to be healthy and in good condition. The tree is approximately twenty feet (20') in height, with a trunk diameter of seven inches (7").

The tree is located in a tree well (cut-out) with tree grates, within a ten foot (10') wide concrete sidewalk. The aerial portion of the tree was last pruned on May 10, 2012, by the City's tree maintenance contractor as part of the 3-5 year trim cycle for City parkway trees.

The primary reason for the request is due to the tree blocking the sign on the building. The tree has been growing in that location in excess of fifteen (15) years. According to the Applicant, the business has been at that location for approximately six (6) years. At the May 2013 meeting of the Commission, the Applicant provided information and statistics verbally that supported the contention that the lack of visibility not only reduced potential 'drive-by' customers, but had a negative effect on new customers that found the business on the internet but had difficulty locating the business when they came to the shop for the first time. According to the Applicant, the adjacent businesses on Broadway have experienced similar difficulties and have either moved or ceased doing business.

The tree does not meet the criteria for a staff level authorization for removal, as stated in the Streetscape and Median Development Standards. The City Arborist evaluated the tree for possible relocation, but believes that due to the cost of relocating the tree being greater than the value of the tree, relocation is not recommended.

The Applicant and the property owner have been notified of the Parks and Recreation Commission meeting and have been sent a copy of this staff report.

ALTERNATIVES CONSIDERED

1. The Commission could authorize the removal and replacement of the tree, per the Streetscape and Median Development Standards, Section 4.0.3 – Discretionary Removals, which would require the replacement of the tree with one (1) twenty-four inch box-size tree to be planted either at the same address, or on other public property; and two (2) fifteen gallon-size trees to be planted elsewhere on City property. The Applicant would pay all removal and replacement costs.

If approved by the Commission, the appropriate fees must be paid to the City within one year from the date of final approval, after which the approval expires.

2. The Commission could authorize the removal and replacement of the tree, per the Streetscape and Median Development Standards, Section 4.0.3 – Discretionary Removals, with the requirement that instead of a 3:1 tree replacement requirement that the Commission direct staff to plant one Mexican Fan Palm at that location; installing the tallest palm possible for the fees paid. The Applicant would pay removal and replacement costs of \$530.

If approved by the Commission, the appropriate fees must be paid to the City within one year from the date of final approval, after which the approval expires.

FISCAL REVIEW

There would be no fiscal impact to the City if the request to remove the tree was either denied or approved as a Category 3 - Discretionary Removal, as the applicant would pay all costs.

For the Commission's information, the cost for the removal of the tree would be \$105. The replanting costs for the mitigation tree (1 – 24" box size and 2 – 15 gallon size or 1 palm) would be \$425. Costs are based on current City contract prices. Total cost for removal and replacement would be \$530.

LEGAL REVIEW

No legal review is required for this item.

CONCLUSION

The parkway tree that has been requested to be removed is located within the public right-of-way in front of 115 Broadway. The tree is healthy and in good condition, but is interfering with the view of the sign for the Applicant's business. The tree does not meet any removal criteria and is a benefit to the community; it is therefore recommended that the Commission deny the Applicant's request for removal of the City parkway tree.


BRUCE A. HARTLEY
Maintenance Services Manager


ERNESTO MUNOZ
Public Services Director

ATTACHMENTS: 1. Electronic mail message confirming request to remove the tree
2. Agenda Report from the Parks & Recreation Commission meeting of October 24, 2013.
3. Action Minutes from the Parks & Recreation Commission meeting of October 24, 2013.

C: Jacqueline Dark
115 Broadway
Costa Mesa, CA 92627

Philmer Ellerbrook
3500 E. Coast Highway
Corona del Mar, CA 92625

HARTLEY, BRUCE

From: Jacqueline Dark <[REDACTED]>
Sent: Monday, September 29, 2014 10:28 AM
To: HARTLEY, BRUCE
Subject: 115 Broadway, Costa Mesa CA TREE

I am requesting to get on schedule to discuss with the panel for Costa Mesa about a tree removal. The tree in front of my business at 115 Broadway, Costa Mesa, CA - Lovely Lash Salon & Cosmetic Center, is obstructing the view of my business and causing us to have clients late or not find my business. I have tried numerous ways to fix this as a new lit sign a banner inside covering my window as to draw attention and still problems with this. I am requesting the tree be removed and replaced with something that is non obstructing. Thank you,

Jackie Dark
Lovely Lash Salon & Cosmetic Center
Owner
Cell - [REDACTED]



PARKS AND RECREATION COMMISSION AGENDA REPORT

MEETING DATE: OCTOBER 24, 2013

ITEM NUMBER: 9a

SUBJECT: TREE REMOVAL REQUEST - 115 BROADWAY

DATE: OCTOBER 7, 2013

FROM: PUBLIC SERVICES DEPARTMENT, MAINTENANCE SERVICES DIVISION

PRESENTATION BY: BRUCE A. HARTLEY, MAINTENANCE SERVICES MANAGER

FOR FURTHER INFORMATION CONTACT: BRUCE A. HARTLEY (714) 754-5123

RECOMMENDATION

Deny the request for the removal of one City-owned parkway tree located in the public right-of-way at 115 Broadway.

BACKGROUND

The Maintenance Services Division was originally contacted by the Applicant on August 30, 2012, requesting that the City trim the street tree located in front of the Applicant's business, located at 115 Broadway. The Applicant, a tenant in the building owned by others, stated that the tree blocked the sign on the front of the building making it difficult for patrons to locate the business. The City Arborist reviewed the site conditions at that time and did not recommend any action be taken.

The Applicant submitted a request to have the tree removed on April 3, 2013. See Attachment 1.

The request was agendaized and heard at the Parks and Recreation Commission meeting held on May 23, 2013. At that time, the Commission approved to implement Alternative #2, which is to have the tree trimmed annually by the City's tree maintenance contractor at a cost to the Applicant of \$58.00 per year. Additionally, the Commission informed the Applicant that the request may be brought forward for re-consideration if the tree continues to pose concerns for the business. Subsequently, the tree was trimmed by in-house staff.

On October 1, 2013, the Applicant contacted the division to request the Commission re-consider removal of the tree.

ANALYSIS

The City Arborist evaluated the tree, an Evergreen Pear, *Pyrus kawakamii*, and found it to be healthy and in good condition. The tree is approximately twenty feet (20') in height, with a trunk diameter of seven inches (7").

The tree is located in a tree well (cut-out) with tree grates, within a ten foot (10') wide concrete sidewalk. The aerial portion of the tree was last pruned on May 10, 2012, by the

City's tree maintenance contractor as part of the 3-5 year trim cycle for City parkway trees. See Attachments 2 and 3.

The primary reason for the request is due to the tree blocking the sign on the building. The tree has been growing in that location in excess of fifteen (15) years. The business has been at that location for approximately five (5) years.

The tree does not meet the criteria for a staff level authorization for removal, as stated in the Streetscape and Median Development Standards. The City Arborist evaluated the tree for possible relocation, but believes that due to the cost of relocating the tree being greater than the value of the tree, relocation is not recommended.

The Applicant and the property owner have been notified of the Parks and Recreation Commission meeting and have been sent a copy of this staff report.

ALTERNATIVES CONSIDERED

1. The Commission could authorize the removal and replacement of the tree, per the Streetscape and Median Development Standards, Section 4.0.3 – Discretionary Removals, which would require the replacement of the tree with one (1) twenty-four inch box-size tree to be planted at the same address and two (2) fifteen gallon-size trees to be planted elsewhere on City property. The applicant would pay all removal and replacement costs.

If approved by the Commission, the tree must be removed and mitigation trees provided to the City within one year from the date of final approval, after which the approval expires.

2. The Commission could direct staff to have the tree trimmed annually by the City's tree maintenance contractor at a cost to the Applicant of \$58.00 per year.

FISCAL REVIEW

There would be no fiscal impact to the City if the request to remove the tree was either denied or approved as a Category 3; Discretionary Removal, as the applicant would pay all costs. If the Commission authorized the Applicant to pay for annual trimming, there would be no additional cost to the City for the enhanced service level.

For the Commission's information, the cost for the removal of the tree would be \$105. The replanting costs for the mitigation tree (1 – 24" box size and 2 – 15 gallon size) would be \$425. Costs are based on current City contract prices. Total cost for removal and replacement would be \$530.

LEGAL REVIEW

No legal review is required for this item.

CONCLUSION

The parkway tree that has been requested to be removed is located within the public right-of-way in front of 115 Broadway. The tree is healthy and in good condition, but is interfering with the view of the sign for the Applicant's business. The tree does not meet

any removal criteria and is a benefit to the community; it is therefore recommended that the Commission deny the Applicant's request for removal of the City parkway tree.


BRUCE A. HARTLEY
Maintenance Services Manager


ERNESTO MUNOZ
Public Services Director

ATTACHMENTS: 1. Letter from Applicant requesting removal of parkway tree
2. Tree Information & Work Orders
3. Photographs

C: Jackie Dark
115 Broadway
Costa Mesa, CA 92627

Philmer Ellerbrook
3500 E. Coast Highway
Corona del Mar, CA 92625

4.0.3

Category 3 – Discretionary Removals

Requests for removal of City-owned trees in parks, parkways, or rights-of-way not covered under Category 1 or Category 2 shall be agendaized for review and determination by the Parks and Recreation Commission. Final determination by the Parks and Recreation Commission will be based on information provided by the property owner/applicant as well as the following:

1) Is the request from City staff, commercial applicant, or residential property owner/tenant?

Tenant. My salon is being compromised because of the tree. We are losing business and I have asked to have it trimmed, but they can't trim it constantly. It has seemed to have grown now to the point of covering my sign and address. When I first came here over 5 years ago, it was not so much a problem. However, now it is horrible.

2) Are there alternatives to removal which have not been considered?

Not really since you can't tree trim every month

3) Who will bear the financial responsibility for removal/transplanting/replacement?

Tenant will if necessary. The tree is making it so people are not able to find my location. We have had many issues with these and my customers complain. They are late sometimes and that throws our entire day off.

4) Is transplanting a viable option from the standpoint of tree survivability?

Yes.

5) Is "in-kind" replacement or 3:1 replacement (1-24" box, plus 2-15 gallon) more appropriate?

Not sure, as long as it doesn't cover the store sign and address. We need people to see us and find us.

6) What are the aesthetic impacts to the neighborhood or to existing planting themes?

No impact.

7) Does the removal pose any adverse impacts to adjacent property owners?

No





City of San Mateo, California
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Fax: (650) 337-7558



DANIEL DOMINGUEZ
City Manager

CITY OF SAN MATEO, CALIFORNIA
SAN MATEO, CALIFORNIA 94401

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Commission

AY TREE REMOVAL/REPLACEMENT

Established by City Council ordinance, the Public Services approve or deny all tree removal requests, or may request for review by the Parks and Recreation

Any removal decision made by the Public Services Director may be appealed to the Parks and Recreation Commission for review. Decisions made by the Parks and Recreation Commission are final and may not be appealed to the City Council. The Public Services Director will notify the property owner/applicant of every decision to ensure that any appealed decision will not be implemented until after the appeal is heard.

Decisions made by the Parks and Recreation Commission are valid for a period of one year. All requests for removal and specified mitigation measures approved by the Parks and Recreation Commission must be completed by the applicant within one year from the date of approval. If tree removal and/or mitigation is not completed within one year, the approval is rescinded.

Tree removal decisions made by the Parks and Recreation Commission may not be reconsidered for a period of one year from the date of denial.

All property owner's applicants wishing removal of a parkway trees shall complete the "Request for Tree Removal" application available from the Public Services Department. Removal requests will fall into one of three categories:

- Category 1 - Health and Safety Removals
- Category 2 - Accelerated Removals
- Category 3 - Discretionary Removals

4.0.1 Category 1 - Health and Safety Removals

Removal of a street tree at no cost to the property owner applicant may be considered on the following basis, and in accordance with Public Services policies:

- If the tree is dead, dying, severely diseased, or damaged beyond reasonable repair.
- If the tree is causing a safety hazard (such as significant sidewalk and curb aproning) and tree pruning is determined not to be a viable option. Root pruning, sidewalk shaving and sidewalk remedial shall be considered as alternative options when evaluating the removal of trees that are causing safety hazards.



**City of Costa Mesa
Maintenance Services Division
FIELD INSPECTION – TREE INFORMATION**

Denial	<input checked="" type="checkbox"/>	Category	1 <input checked="" type="checkbox"/>	2 <input checked="" type="checkbox"/>	3 <input type="checkbox"/>
Supporting	<input type="checkbox"/>	Category	1 <input type="checkbox"/>	2 <input type="checkbox"/>	3 <input type="checkbox"/>

Date Request Received: **8/30/12**

Name of Resident: _____

Requesting Party: **Jackie Dark**

Address: _____

Address: **115 Broadway**

Home Phone: _____

Home Phone: **714-330-6828**

Work Phone: _____

Work Phone: _____

Date Inspected: **8/30/12 and 4/3/2013**Inspected By: **Daniel Dominguez III – Interim City Arborist**Parkway Maintenance Report: ☐Tree Species: **Pyrus kawakamii F1**Removal Cost: (DBH x \$15.00) = \$ **105.00**Height: **20 Feet**Width of Sidewalk: **10 Feet**Trunk Diameter: **7 Inches**Size of Right-of-Way: **10 Feet**Health: Good ☒ Fair ☐ Poor ☐Date of Last Pruning: **5/10/2012**Is the Tree a good candidate for Relocation? Yes ☐ No ☒Likelihood of survival: Good ☐ Fair ☒ Poor ☐

Comments: **Sidewalk would have to be removed and replaced. Cost to relocate the tree will be greater than the tree value. Estimated tree value \$1,380.00 Tree growing in a 3' x 3' tree well.**

Concrete Damage: Yes ☐ No ☒

If Yes, describe damage: _____

Can the Tree be Root Pruned: Yes ☐ No ☐

Date: _____

Root Pruning Comments: **Roots are not an issue.**Date of Response to Resident: **9/04/12**

Date Information Packet Mailed: _____

Photos Taken: Yes ☒ No ☐Date Photos Taken: **4/03/2013**Photo #1: **Street view looking south**Photo #2: **Street view looking east**Photo #3: **Street view looking west**Photo #4: **Base of the tree**

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Friday, April 12, 2013

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Subject: Tree trimming request

Detailed description:

Requesting trimming of the trees in front of her business: Lovely Lashes. States that patrons have expressed difficulty in locating her business because of the trees that hinder visibility of signage.

Req'd date:	2012-08-30 (Request entered by: MStueve)	Req'd by:	Jackie
Location:	115 Broadway	Phone:	714-330-6828
Work Order Nr:	12081517	District:	26
Supervisor:	City Arborist	Employee:	Dominguez, Dan
Call back needed:	N	Contacted date:	2012-08-30
OSHA safety concern:	N	Status:	Closed
Completion date:	2012-10-18	Inspection date:	2012-08-30
Hours:	0 Minutes: 30	Material cost:	0.00

Action taken:

08/30/2012 F1 Pyrus kawakami tree 6" dsh in fair condition. Tree approximately 20' tall and obstructs signage. Tree last trimmed 5/10/2012. Tree will continually be problematic due to height of the sign and growth habit of the tree. Left voice message with owner stating the tree will not be trimmed. No action. DD 09/04/2012 Spoke to Jackie and she is willing to pay for removal and replacement. Review with BH. PENDING 10/18/2012 Reviewed site with BH. No removal. Contacted owner and provided her with her options. Anticipate a letter requesting removal as a Cat 3. No action at this time. DD

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Friday, April 12, 2013

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Subject: Request to remove trees as a Cat 3

Detailed description:

Resident sent letter and pictures requesting a Cat 3 removal.

Req'd date: 2013-04-03 (Request entered by: Daniel Dominguez III)

Req'd by: Jackie

Location: 115 Broadway

Phone: 714-330-6828

Work Order Nr: 13040530

District: 26

Supervisor: City Arborist

Employee: Dominguez, Dan

Call back needed: N

Contacted date: 2013-04-03

OSHA safety concern: N

Status: Closed

Completion date: 2013-04-10

Inspection date: 2013-04-03

Hours: 0 Minutes: 20

Material cost: 0.00

Action taken:

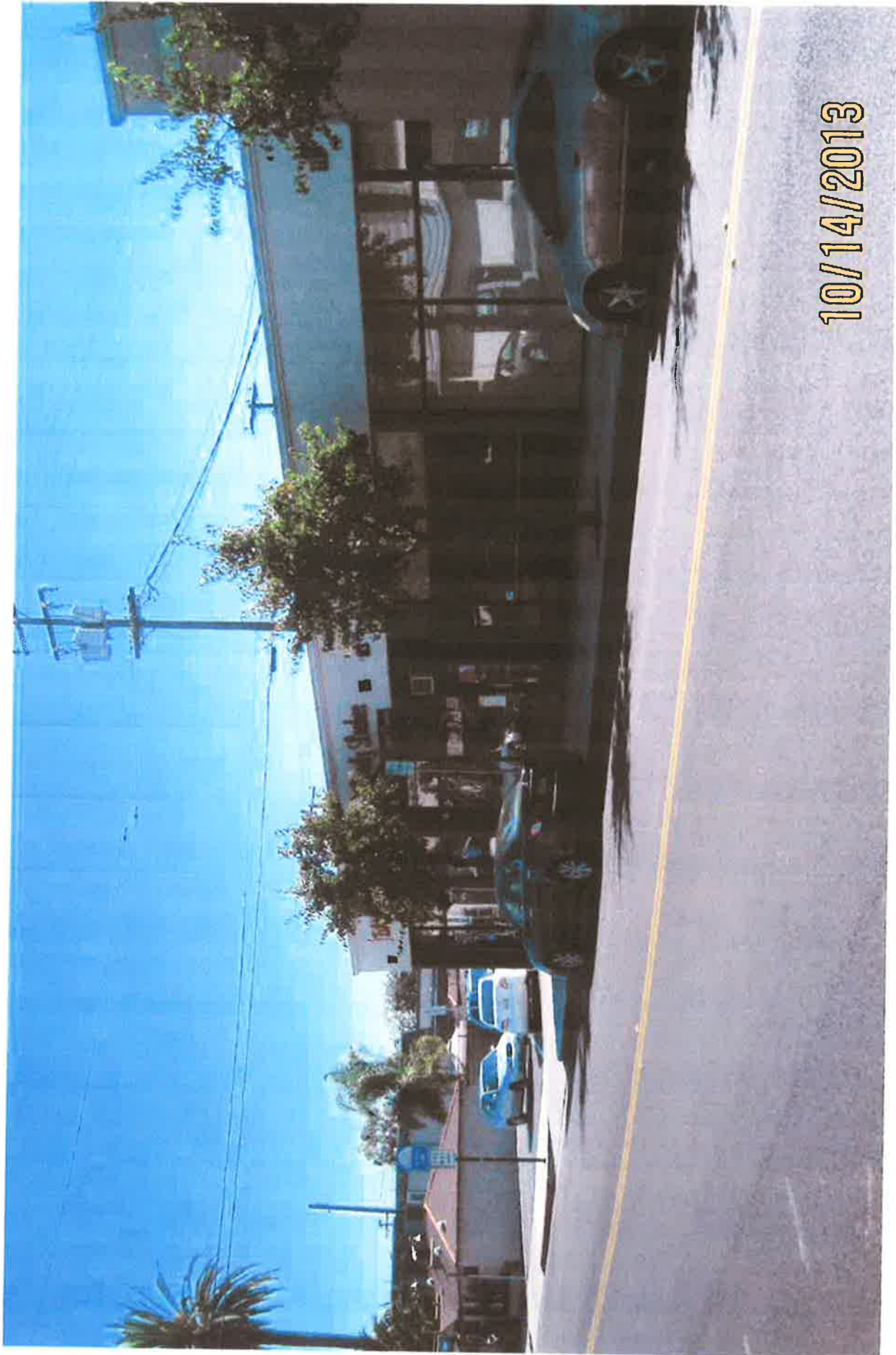
4/3/2013 Pyrus kawakamii in good condition. Generated field report for commission. Spoke to owner. No action at this time. DD

Password: 

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STAFF RECOMMENDATION**9. Old Business**

- a. Tree Removal Request – 115 Broadway Deny

ACTION: MOTION made by Commissioner Graham, seconded by Vice Chair Pederson; carried 4 to 0, to deny the request for the removal of one (1) City-owned parkway tree located in the public right-of-way at 115 Broadway.

- b. Tree Removal Request – 2009 Lemnos Drive Deny

ACTION: MOTION made by Vice Chair Pederson, seconded by Commissioner Abernathy; carried 4 to 0, to deny the request for the removal of one (1) City-owned parkway tree located in the public right-of-way at 2009 Lemnos Drive.

STAFF RECOMMENDATION**10. New Business**

- a. Tree Removal Request – 2116 President Place Approve

ACTION: MOTION made by Chair de Arakal, seconded by Commissioner Graham; carried 4 to 0 to defer Item 10a (Tree Removal Request – 2116 President Place) to the November 2013 meeting, pending examination by City staff of damage caused by the tree roots to the home.

- b. Tree Removal Request – 2197 Santa Ana Avenue Approve

ACTION: MOTION made by Chair de Arakal, seconded by Commissioner Abernathy; carried 4 to 0, to approve the removal of three (3) City-owned parkway trees located in the public right-of-way on the side property at 2197 Santa Ana Avenue, with the applicant bearing the cost of the removal.

- c. Tree Removal Request – 950 Cheyenne Street Deny

ACTION: MOTION made by Vice Chair Pederson, seconded by Commissioner Abernathy; carried 4 to 0, to deny the request for the removal of one (1) City-owned parkway tree located in the public right-of-way at 950 Cheyenne Drive.